

Stephen T. Vettters

Vs. Daimler Chrysler Corporation
James R. Lock

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

STEPHEN T. VETTERS,)
INDIVIDUALLY AND AS)
REPRESENTATIVE OF THE ESTATE)
OF SHARON G. VETTERS,)
DECEASED, AND FOR AND ON)
BEHALF ALL THOSE ENTITLED TO)
RECOVER FOR THE DEATH OF)
SHARON G. VETTERS UNDER THE)
TEXAS WRONGFUL DEATH AND)
SURVIVAL ACTS, ERIN VETTERS)
RUEL, STEVEN B. VETTERS, JOHN)
W. STOCKTON, AND HAZEL L.)
STOCKTON,)
PLAINTIFFS,)
)
vs.) CIVIL ACTION
NO. 2:05-CV-00003
DAIMLER CHRYSLER)
CORPORATION,)
DEFENDANT.) JURY

ORAL VIDEOTAPED DEPOSITION
JAMES RAYMOND LOCK
October 14, 2005

PLAINTIFF'S
EXHIBIT

2

ORAL VIDEOTAPED DEPOSITION OF JAMES RAYMOND LOCK, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above-styled and numbered cause on the 14th day of October, 2005, from 9:01 a.m. to 10:55 a.m., before Laurin Rainer, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the

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1 offices of A AA Werlinger & Associates, 1716 Briarcrest	1 APPEARANCES
2 Drive, Suite 601, Bryan, Texas 77802, Firm No. 328,	2 FOR DEFENDANT:
3 pursuant to the Federal Rules of Civil Procedure and the	3 Mr. G. Robert Sonnier
4 provisions stated on the record or attached hereto.	4 Clark, Thomas & Winters
5	4 Post Office Box 1148
6	5 300 West 6th Street, 15th Floor
7	5 Austin, Texas 78701
8	6 Telephone: (512) 472-8800 - Fax : (512) 474-1129
9	6 E-mail: grs@ctw.com
10	7 VIA TELEPHONE FOR PLAINTIFFS:
11	8 Mr. Matt Dotin
12	9 Sico, White & Braugh, L.L.P
13	9 900 Frost Bank Plaza
14	10 802 N. Carancahua
15	10 Corpus Christi, Texas 78740
16	11 Telephone: (361) 653-3300 - Fax : (361) 653-3333
17	11 E-mail: mdotin@swbtrial.com
18	12 ALSO PRESENT:
19	13 Mr. Doug Overstreet, Legal Video Specialist
20	14
21	15
22	16
23	17
24	18
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1 INDEX	1 THE VIDEOGRAPHER: Okay. We're on the
2	2 record. October 14th, 2005. It's 9:01 a.m., beginning
3 Appearances	3 of Tape 1. Would the court reporter please swear in the
4 JAMES RAYMOND LOCK	4 witness?
5 Examination by Mr. Sonnier	5 JAMES RAYMOND LOCK,
6 Signature and Changes	6 having been first duly sworn, testified as follows:
7 Reporter's Certificate	7 EXAMINATION
8	8 BY MR. SONNIER:
9 EXHIBITS	9 Q. Sir, could you please state your name for the
10 NO. DESCRIPTION	10 record?
11 1 Notice of Deposition	11 A. James Raymond Lock.
12 2 Collision Research Associates	12 Q. Mr. Lock, my name is Robert Sonnier. I'm a
13 Summary Report	13 lawyer that represents DaimlerChrysler Corporation in --
14 3 Curriculum Vitae of Mr. Lock	14 in the Vettters case; and you and I met for the first
15 4 Collision Research Associates	15 time when you walked in this morning, correct?
16 2005 Fee Schedule	16 A. Yes, sir.
17 5 Diagram	17 Q. Okay. Do you understand I'm here today to take
18 6 Color Diagram	18 your deposition in this case since you have been
19 7 Cross Section: Pintail Drive and Driveways ..	19 identified by the plaintiffs as an expert witness in
20 8 Steer Angle Calculations	20 this matter?
21	21 A. Yes, sir.
22	22 Q. Okay. You've given numerous depositions
23	23 before. So, I'm assuming you've been through this spiel
24	24 many times, correct?
25	25 A. I have.

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<p>1 Q. Okay. And, Mr. Lock, it is my understanding 2 that you have been identified as an expert witness who 3 will address accident reconstruction in this particular 4 matter. Would that be correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. And you're aware that plaintiffs have 7 identified a man by the name of John Stilson, who was 8 deposed yesterday and who is a consultant that is 9 addressing specific defect allegations, primarily the 10 design of the transmission system in the Vettters 11 vehicle. You're aware of that?</p> <p>12 A. Yes, sir, I am.</p> <p>13 Q. Okay. And -- and just so -- so I'm clear here 14 and -- and have a good understanding of your role, you 15 are not going to offer any opinions and will not be 16 addressing any issues regarding the design and 17 performance of the transmission system of the Vettters 18 vehicle; is that correct?</p> <p>19 A. You are correct.</p> <p>20 Q. Okay. You're not a biomechanical expert, 21 correct?</p> <p>22 A. I am not.</p> <p>23 Q. And you're not going to be offering any 24 biomechanical expert opinions in this case?</p> <p>25 A. No, sir.</p>	<p>1 Q. Okay. It is my understanding also that you 2 have produced an expert report in this particular 3 matter; is that right?</p> <p>4 A. I have.</p> <p>5 Q. Okay. I've -- I've gone through that to some 6 extent. We'll address it here in a moment, but let me 7 do a couple of housekeeping matters first. I'm going to 8 mark a couple of exhibits before we get started.</p> <p>9 MR. SONNIER: I'm just going to take 10 these. Matt, we just have regular exhibit stickers. 11 So, I'm just going to mark on these. I'll identify them 12 on the record.</p> <p>13 Q. (BY MR. SONNIER) Mr. Lock, I'm -- I'm marking 14 Exhibit No. 1. It's going to be attached to your 15 deposition. It's a notice of your deposition here 16 today.</p> <p>17 (The following exhibit was marked for 18 identification: Exhibit No. 1)</p> <p>19 Q. (BY MR. SONNIER) Take a look at that, sir; and 20 tell me whether you've seen that before.</p> <p>21 A. I have. I have a copy of that here in my 22 notebook with me.</p> <p>23 Q. Okay. So, you -- you have reviewed Exhibit No. 24 1?</p> <p>25 A. Yes, sir.</p>
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<p>1 Q. Okay. And attached to the back of this notice, 2 there's a subpoena duces tecum where you were asked to 3 produce certain material; is that correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And you've reviewed that?</p> <p>6 A. I have.</p> <p>7 Q. And you have produced to the lawyers that hired 8 you documents in response to this subpoena duces tecum; 9 is that correct?</p> <p>10 A. I have.</p> <p>11 Q. Okay. And it's your understanding that 12 Mr. Sico has actually provided me with a copy of your 13 files; is that right?</p> <p>14 A. Yes, that's what you told me this morning.</p> <p>15 Q. Okay. And I'm going to -- I'm going to go 16 through that because there's certain documents I will 17 want to ask you some questions about. For housekeeping 18 purposes, I'm also going to mark as Exhibit No. 2 a copy 19 of your report in this matter.</p> <p>20 (The following exhibit was marked for 21 identification: Exhibit No. 2)</p> <p>22 Q. (BY MR. SONNIER) Take a look at Exhibit No. 2, 23 and tell me whether or not that is a copy of the report 24 that you authored in respect to this matter.</p> <p>25 A. Yes, sir, it is.</p>	<p>1 Q. Okay.</p> <p>2 A. Typographical errors and all.</p> <p>3 Q. Okay. I'm going to mark the next one as 4 Exhibit No. 3.</p> <p>5 (The following exhibit was marked for 6 identification: Exhibit No. 3)</p> <p>7 Q. (BY MR. SONNIER) Up on top of Exhibit No. 3, 8 it says: "Curriculum Vitae, James Lock." Is that your 9 CV?</p> <p>10 A. Yes, sir. I've updated it since this one, and 11 I have a copy of that here in my notebook.</p> <p>12 Q. Okay. Off the top of your head, what's -- what 13 has been updated or what -- what changes are --</p> <p>14 A. Primarily just the one meeting and symposium 15 that I attended, and I think that's the extent of it.</p> <p>16 Q. Okay. I'm marking Exhibit No. 4.</p> <p>17 (The following exhibit was marked for 18 identification: Exhibit No. 4)</p> <p>19 Q. (BY MR. SONNIER) Thumb through that real 20 quick. Tell me what that is.</p> <p>21 A. What you've got here is a copy of my 2005 fee 22 schedule and a copy of my trial and deposition list that 23 I have a more current copy of in my notebook.</p> <p>24 Q. Okay. Maybe when we take a break, what we'll 25 do is -- is get our court reporter or someone here in</p>

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<p>1 this office to make a copy of your updated CV and 2 updated deposition and trial testimony list. Would that 3 be fair?</p> <p>4 A. Sure. And -- or they could just copy these 5 last two pages because we just --</p> <p>6 Q. You just add on?</p> <p>7 A. We just add onto it. So, on the testimony 8 list, the last two pages will bring you up to date.</p> <p>9 Q. Okay. Let me do this. I -- I'm going to go 10 through your -- your file here for a second; but let me 11 ask you this: You have a copy of your entire file in 12 front of you here this morning, correct?</p> <p>13 A. I do.</p> <p>14 Q. Okay. And as part of your file, does it also 15 contain a CD or maybe two CD's that have photographs and 16 a video on it?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And you -- my understanding -- and I 19 looked at these last night, but there's one CD. It -- 20 it contains a video that you took during your vehicle 21 inspection of the subject vehicle, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And then there's a separate CD that has 24 photographs of -- still photographs of both the vehicle 25 and the scene where this incident occurred, correct?</p>	<p>1 A. Yes, that's what my file contained several days 2 ago when it was copied; and what I brought today for the 3 depo is another CD that basically has almost every page 4 that's in this notebook on it.</p> <p>5 Q. Okay. So, you've -- you've -- you've scanned 6 every --</p> <p>7 A. Including the photographs and everything.</p> <p>8 Q. Okay. You've scanned everything and put it on 9 a CD?</p> <p>10 A. Yes, that's what we do on all our cases now is 11 every page is scanned. Occasionally, right before a 12 depo, I may add a few things. In the -- in the rush, 13 they don't get scanned first; but this one CD or DVD 14 should contain the entire file.</p> <p>15 Q. Okay. Mr. Lock, let me ask you this: What -- 16 hang on a second. You have organized your file in terms 17 of putting material in there that, for example, 18 plaintiffs' attorneys produced to you, which would 19 include discovery -- documents produced in discovery, 20 deposition transcripts, police records, medical records, 21 things of that nature, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And as -- as part of your file, do you have the 24 discovery responses from Chrysler --</p> <p>25 A. Yes.</p>
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<p>1 Q. -- as part of your file? Okay. Do you also 2 have discovery responses that were served by plaintiffs 3 in this case?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Now, you're aware that there have been 6 several depositions taken in this case, correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. Matter of fact, I count -- excluding 9 Mr. Stilson yesterday, I think there were seven 10 depositions taken.</p> <p>11 A. That's what I have, seven depositions.</p> <p>12 Q. Okay. Have you reviewed all those depositions?</p> <p>13 A. I have.</p> <p>14 Q. Okay. And I also saw in your file where you 15 actually summarize those depositions and -- and make 16 notes or -- or prepare a summary of your review of those 17 depositions; is that correct?</p> <p>18 A. I have for some of them, but not all of them. 19 I haven't summarized Mr. Vettters' and Dr. Johnson's; and 20 I don't know if I -- I don't recall if I did 21 Dr. Fernandez or not.</p> <p>22 Q. Okay.</p> <p>23 A. But I have their depo in here, and I have 24 highlighted the sections of their depo that would be 25 taken out and put into a summary.</p>	<p>1 Q. Okay. So, what you do, you'll go through and 2 you'll read a deposition transcript, you highlight 3 certain things, and then the items that are highlighted 4 will eventually make their way into a summary when you 5 prepare it?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay. Do you prepare the summary, or does 8 someone in your office prepare that?</p> <p>9 A. One of my assistants types it once I do the 10 highlighting.</p> <p>11 Q. Do you know when you were first contacted about 12 this case?</p> <p>13 A. Yes, sir, April 25th, 2005.</p> <p>14 Q. And who was it that contacted you about this 15 matter?</p> <p>16 A. Mr. Dotin.</p> <p>17 Q. And do you have, like, some kind of intake 18 sheet or information sheet that you fill out when a 19 lawyer first retains you to consult on a matter?</p> <p>20 A. Well, I have this front sheet of my notebook 21 that is transient in nature. It -- it changes as work 22 gets completed on a case.</p> <p>23 Q. Okay. For example, Mr. Dotin, in this case, 24 would've contacted you, told you he -- he's got a matter 25 that he would like you to -- to look at, and he'd give</p>

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<p>1 you basic information like the name of the case, where 2 it's filed, the vehicle involved, just basic facts like 3 that, correct?</p> <p>4 A. Yes.</p> <p>5 Q. And -- and then those facts at -- at some point 6 make it into your little summary sheet that you keep in 7 the front of your file, correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Okay. Do you recall what Mr. Dotin first told 10 you about this particular accident?</p> <p>11 A. I don't have a -- a recollection of our 12 conversation of -- of what he told me; but I know from 13 the work that was done on the case, ultimately what he 14 asked me to do was to examine the vehicle, examine the 15 scene, and to do a reconstruction concerning the path of 16 travel, and to locate and document the physical geometry 17 of the accident scene so distances and the -- the layout 18 of the scene could be frozen.</p> <p>19 Q. Okay. Now, it's my understanding and -- and -- 20 and correct me if -- if I'm mistaken here, but in doing 21 the -- the accident reconstruction part of -- of this 22 case, you're not going to comment on specifically what 23 Mrs. Vettters did and did not do prior to the time the 24 vehicle moved rearward and -- and struck her. Would 25 that be accurate?</p>	<p>1 A. Well, no, it wouldn't be because there's 2 certain things that -- that I think we know that she did 3 through the evidence.</p> <p>4 Q. Okay.</p> <p>5 A. And that -- that is, for example, backing her 6 car out of the garage where she normally kept it, 7 stopping her car in the driveway, walking to the 8 mailbox, and picking up a postcard and some other items 9 out of the -- out of the mailbox, and then moving back 10 towards her vehicle as it was moving rearward.</p> <p>11 Q. Okay. And you make a good distinction. I -- I 12 appreciate you pointing that out. Then would -- would 13 it -- in terms of -- I'm assuming there's certain things 14 we can agree on like the vehicle started out in the 15 garage, she somehow backed out of the garage and stopped 16 somewhere in the driveway street area, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And I understand you accept those facts 19 and -- and I don't think there's going to be a big 20 dispute on some of that, but in -- in terms of what 21 Mrs. Vettters did in -- in shifting the -- the shift 22 lever after she brought the vehicle to a stop or whether 23 she shifted the shift lever, items like that, you're not 24 going to address; is that correct?</p> <p>25 A. Well, there's no way that I would know what she</p>
<p style="text-align: center;">Page 16</p> <p>1 did precisely because there's no documentation of any 2 kind through either electronically, mechanically, or 3 visually.</p> <p>4 Q. Oh, okay. And that, I guess, kind of gets -- 5 gets into another point. There were no eyewitnesses to 6 this accident; is that correct?</p> <p>7 A. That's correct. That's my understanding.</p> <p>8 Q. Okay. And you've reviewed the officer's depo 9 and a couple of witnesses' that came on the scene after 10 the fact; is that right?</p> <p>11 A. I have.</p> <p>12 Q. And you're aware from their testimony that none 13 of those individuals actually witnessed this event.</p> <p>14 Would that --</p> <p>15 A. They --</p> <p>16 Q. -- be correct?</p> <p>17 A. No, they witnessed the aftermath of the event.</p> <p>18 Q. Okay. After she had already been struck and 19 the vehicle came to rest?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And are you also aware that Mrs. Vettters 22 herself never gave a statement to anyone about what 23 happened?</p> <p>24 A. It's my understanding from reading the medical 25 records and the physician's depos that she was unable</p>	<p style="text-align: center;">Page 17</p> <p>1 to. So, she -- she never verbally described the event.</p> <p>2 Q. Okay. I'm going to -- I'm going to kind of go 3 through your file piecemeal here just to make sure I 4 have an understanding of -- of what you have in it.</p> <p>5 There is a -- a document in here. It's several pages 6 long. It appears to be like a -- I don't know if it's 7 an invoice, but it keeps track of -- of the time that 8 you and other persons in your firm have spent working on 9 the Vettters file; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. You'll record who did the work, when it 12 was done, hours spent, things of that nature?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. I don't know if you have it in your file 15 now --</p> <p>16 A. I do.</p> <p>17 Q. -- but do -- do you have any idea or can you 18 tell us to date how much time you have put into the 19 Vettters matter?</p> <p>20 A. I would have to go through this time slips 21 listing, if you're interested in what I personally have 22 done.</p> <p>23 Q. Well, I'll tell you what. Instead of taking up 24 time to do that, because you -- we don't need to go 25 through all that, but the documents you have -- have</p>

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1 here, it's a Collision Research Associates slip listing, 2 and the document I have is dated 9/28/05. Is that the 3 -- the document that lists all the time that you and 4 others have put into working on the Vettters -- 5 A. Yes. 6 Q. -- file? Okay. 7 A. Every time any activity that was done on the 8 case that was billable to the case, the person would 9 write down the time they spent on it. When that goes in 10 the computer, it puts their name, the date it was done, 11 what the activity was, the associated charges for that 12 activity. 13 Q. Okay. 14 A. And, so, any of them that have the initials J. 15 R. L. -- 16 Q. That's you? 17 A. -- are mine. 18 Q. Okay. And at the end here, you kind of 19 summarize the -- actually the -- a total in terms of -- 20 MR. DOTIN: Hey, Robert? 21 MR. SONNIER: Yeah? Can you hear me? 22 MR. DOTIN: Yeah. Okay. I'm sorry. I -- 23 I just -- I lost audio there for one second. 24 MR. SONNIER: Okay. 25 MR. DOTIN: Okay. I'm back.	1 MR. SONNIER: Good. 2 Q. (BY MR. SONNIER) Mr. Lock, at the end you 3 total how much you have billed Mr. Sico and his firm for 4 time and expenses that you have in this matter; is that 5 correct? 6 A. Yes, sir. 7 Q. And according to this document, it's, you know, 8 a little over \$9900? 9 A. That's correct. 10 Q. Okay. Now, there's also in your file a table 11 of contents -- 12 A. Yes, sir. 13 Q. -- document. I'm assuming this is a table of 14 contents of your file? 15 A. It is. It kind of organizes what's behind each 16 one of these tabs. 17 Q. Okay. Number -- let me -- let me ask you this: 18 No. 15, DVD of testing received from attorney 8/10/05, 19 is that part of your file? 20 A. Yes, sir, it is. 21 Q. And -- and do you know -- have you looked at 22 that DVD? 23 A. I have. 24 Q. And is -- is that the testing that Mr. Sico and 25 members of his firm participated in that was recorded?
Page 20	Page 21
1 A. Yes, sir. 2 Q. Okay. At -- at the accident scene? 3 A. Yes, using the -- the accident involved 4 vehicle. 5 Q. Okay. I know you -- you have reviewed that, as 6 you've just indicated to us; but my question to you is 7 have you relied upon anything in that DV in support of 8 your opinions that you're giving in this case? 9 A. I suppose that I have because what I did with 10 that DVD is to digitize it and -- and look at the amount 11 of time that it took the vehicle to back out of the 12 driveway. And knowing the wheelbase of the vehicle, I 13 calculated acceleration rates and speeds of the vehicle 14 for each of their six passes; and then I was able to use 15 those numbers to get some general estimate of how long 16 it would take this vehicle to move across the roadway. 17 Q. Okay. So, your ultimate goal is to reach a 18 conclusion as to how long it takes the vehicle to move 19 across a driveway to its point of rest? 20 A. To get a range of time and not a precise time 21 because there -- between -- in the six runs, there's a 22 considerable difference. 23 Q. Because it depends on where the vehicle is 24 positioned when it begins to move rearward, correct? 25 A. Correct.	1 Q. Okay. In each one of those six, I don't know 2 if all six are completely different; but they are from 3 different locations, generally, correct? 4 A. Yes, and I have -- under Tab 4 of my notebook, 5 I have the times and the calculations associated with 6 that. 7 Q. Okay. Now, you've inspected the vehicle, 8 correct? 9 A. I did. 10 Q. What was the date of your vehicle inspection? 11 A. May 3rd, 2005. 12 Q. And my understanding is your vehicle inspection 13 took place down at Mr. Sico's warehouse in Corpus 14 Christi; is that right? 15 A. That's correct. 16 Q. Okay. Now, you've also been to the accident 17 scene itself, right? 18 A. Yes, on the same day. 19 Q. Same day? Other than your inspection of the 20 vehicle on May 3rd of '05, have you done -- done any 21 further inspection of this subject vehicle? 22 A. I have not. 23 Q. Okay. Have you inspected an exemplar vehicle? 24 A. I have not. 25 Q. Okay. Have you been back to the scene after

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1 May 3rd of '05?	1 ambient lighting conditions; and if there's any weather
2 A. No, sir.	2 that's not dry and relatively low humidity, then we'll
3 Q. Okay. I told you earlier that Mr. Stilson is	3 look at the precipitation, as well.
4 addressing some issues in this case. Have you talked to	4 Q. Okay. Now, it was dark outside when this
5 Mr. Stilson?	5 accident occurred; is that accurate?
6 A. I have not.	6 A. Yes, sir.
7 Q. Okay. You told us earlier there were numerous	7 Q. Okay. And it was not raining, correct?
8 depositions that you've reviewed in this case. Have you	8 A. That's correct.
9 talked -- have you personally talked to any of those	9 Q. Okay. Now, I -- I mentioned weather a second
10 witnesses?	10 ago. You've -- you've also pulled some information
11 A. I have not.	11 regarding temperatures for the day of the accident,
12 Q. Have you talked to Mr. Vettters?	12 which was December 10th, 2004; is that right?
13 A. No, sir.	13 A. Yes, sir.
14 Q. Okay. Never met him before?	14 Q. Okay. And in bay -- and where did you pull
15 A. No, sir. I read his depo, and it seemed that	15 that data from?
16 the inquisition was thorough.	16 A. I'll have to look at it because I have numerous
17 Q. Now, I notice in your file here that you	17 places for -- that I pull data on different files. This
18 have -- looks like some weather data of U.S. National	18 comes from just The Weather Underground Web site where
19 Observatory Astronomical Applications Department. It's	19 you can put in a particular location and any historical
20 weather data. It's like sunrise, sunset information.	20 date and it'll give you the information.
21 Do you know what I'm talking about?	21 Q. Okay. So, what you pulled up from this
22 A. Yes, sir.	22 particular Web site, it'll -- it'll give you, like, the
23 Q. Is that something you typically do in -- in	23 maximum temperature for that date, the minimum
24 every reconstruction that you work on?	24 temperature for that date, correct?
25 A. Yes, we'll do that on every case to look at the	25 A. Yes, sir.
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1 Q. Okay. And looking at that, what was the --	1 Q. Okay. So, it actually drops a little bit?
2 what was the low temperature for that date?	2 A. Yes.
3 A. Well, the low temperature was 46; and then on	3 Q. Okay. So, that's a -- that's a fair range,
4 the second page, you can see that the temperature is	4 somewhere between 48, 51 degrees?
5 given on an hour-by-hour basis.	5 A. Yes.
6 Q. Okay. And that -- that's where I was going	6 Q. Do you know whether Mrs. Vettters had the heater
7 next. This -- this particular incident occurred, what,	7 on of her vehicle when this accident occurred?
8 6:00, 6:30 a.m. --	8 A. I don't know.
9 A. Yes, sir.	9 Q. If she did, would it surprise you that she had
10 Q. -- in the morning, correct? And looking at	10 it on given the temperatures outside?
11 this information that you've pulled, does it reflect the	11 A. No.
12 temperature in Corpus Christi, Texas, around the hour	12 Q. Okay. Let's kind of -- I want to go through a
13 that this accident happened?	13 couple of things with you real quick on your CV. Have
14 A. I believe it was right at that minimum	14 you ever worked for an automotive manufacturer, and I'm
15 temperature at the time this collision occurred.	15 talking about being an employee of an automotive
16 Q. So, around, give or take a couple of degrees,	16 manufacturer?
17 46?	17 A. No, sir.
18 A. Yes, sir.	18 Q. Okay. You've already told us earlier that
19 Q. That was probably pretty chilly down there for	19 you're not addressing the transmission design issues in
20 when you --	20 this case, but I just kind of wanted to ask you whether
21 A. Well, actually --	21 you have ever been involved in the design of a
22 Q. -- consider the humidity?	22 transmission system on a production vehicle?
23 A. Actually, what they're showing at -- at 5:51	23 A. Well, I -- I have rebuilt many automatic
24 they're showing a temperature of 51 degrees. At 6:51,	24 transmissions as a mechanic.
25 they're showing a temperature of 49 degrees. So --	25 Q. Okay.

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<p>1 A. But I've never been involved in the design or 2 setup, testing, or anything of that nature.</p> <p>3 Q. Okay. Go ahead and turn to your report and 4 let's kind of -- kind of look at that, if we could, and 5 I've marked that as Exhibit 2, but you've got a copy in 6 front of you; is that right?</p> <p>7 A. I do.</p> <p>8 Q. Okay. According to the cover page here on the 9 report, it was prepared September 15th, 2005, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. In your report -- and I'm looking at the second 12 -- at the first page of the re -- summary report -- 13 you'll put personal information about yourself, correct?</p> <p>14 A. Yes, just background information.</p> <p>15 Q. Okay. And you have general information 16 regarding who retains you and, in this case, like, when 17 some file materials were first received, correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And you also have a brief summary of the 20 accident itself and the vehicle involved; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. Now, is it your understanding that at some 23 point before this accident, the Dodge Durango was 24 actually parked in the Vettters' garage?</p> <p>25 A. That's what Mr. Vettters testified to in his</p>	<p>1 depo.</p> <p>2 Q. Okay. So, it would be safe to assume that -- 3 and I think you've also testified they close the garage 4 door every night. So, at some point Mrs. Vettters goes 5 in the garage, opens the garage door to allow her to 6 take the vehicle out, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Pretty safe assumption?</p> <p>9 A. That's pretty typical, too.</p> <p>10 Q. Okay. It -- is it also safe to assume and do 11 you agree that she put the vehicle in reverse in order 12 to back the Durango out of the garage?</p> <p>13 A. Oh, I think that's safe to assume.</p> <p>14 Q. Okay. Now, have you learned through 15 depositions in this case -- I guess, primarily that of 16 Mr. Vettters -- that Mrs. Vettters was waiting on some 17 mail and she likely did intend to go to the mailbox that 18 morning before she actually left the house?</p> <p>19 A. Yes, she was looking for a postcard from her 20 daughter that had pictures of her grandchild on it and 21 --</p> <p>22 Q. Okay.</p> <p>23 A. -- that's what she was really interested in 24 seeing.</p> <p>25 Q. Okay. So, you -- it's your understanding</p>
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<p>1 through Mr. Vettters that she had a particular interest 2 to see if that Christmas card had arrived?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And, in fact, as part of the -- some of 5 the debris that was at the accident scene, there was 6 actually that postcard and some other mail addressed to 7 her that was found in the area, correct?</p> <p>8 A. Yes, it was.</p> <p>9 Q. And -- and based on that, do you assume that 10 at -- at some point after she walked out of her house 11 that morning, that she did make it to the mailbox --</p> <p>12 A. Yes.</p> <p>13 Q. -- to retrieve that mail?</p> <p>14 A. Yes, I think that's a safe assumption.</p> <p>15 Q. Okay. Now, you don't know exactly where 16 Mrs. Vettters stopped her vehicle on the driveway or 17 street before she exited to go to the mailbox; is that 18 correct?</p> <p>19 A. I don't know where relative to the lateral 20 location of her house; but because of the path of travel 21 of the vehicle, we know it was most probably lined up 22 with the -- the backing out path of travel, you know, 23 along that -- that axis that you would have there.</p> <p>24 Whether it was parked in the front of the driveway, 25 middle of the driveway, bottom of the driveway, I don't</p>	<p>1 know.</p> <p>2 Q. Okay. So, whether it was -- you're aware there 3 was another -- like, a small pickup truck parked in the 4 driveway that morning?</p> <p>5 A. It was their son's pickup that -- the dad had 6 traded pickups with the son and parked that on the left 7 side of the driveway.</p> <p>8 Q. Okay. So, whether she stopped up there by that 9 vehicle or down where part of the vehicle was in the 10 street, you just -- you don't know and don't have an 11 opinion of exactly where it was stopped, correct?</p> <p>12 A. No, there's no evidence to indicate where that 13 was.</p> <p>14 Q. Okay. And -- and -- and more specifically, you 15 don't have an opinion as to exactly where she stopped --</p> <p>16 A. I don't.</p> <p>17 Q. -- correct?</p> <p>18 A. That's correct.</p> <p>19 Q. All you do know is that it came out back end 20 first and it -- and it did, generally speaking, back 21 across the street and eventually ended up in the 22 neighbor's yard across the street?</p> <p>23 A. That's correct.</p> <p>24 Q. Okay. Now, also -- and I think I alluded to 25 this earlier -- in -- in terms of what Mrs. Vettters did,</p>

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<p>1 whether she moved the shift lever or how she moved the 2 shift lever after she brought the vehicle to a stop, you 3 don't have an opinion about that and have no information 4 about that. Would that be correct?</p> <p>5 A. I don't have any information about that. I 6 think we can logically assume if she was going to exit 7 the vehicle that she would put the vehicle in park since 8 she left the engine running.</p> <p>9 Q. Okay. Now, as -- as part of your focus in this 10 case -- well, let -- let me back up for a second. You 11 assume that she put it in park or wanted to put it in 12 park, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And have you -- or can you point to, you 15 know, any statement, any eyewitness testimony, anything 16 of that nature, any direct evidence that indicates what 17 she did, if anything, with the shift lever that morning 18 before she exited the vehicle?</p> <p>19 A. No, we can't. All we know is temporally, she 20 had time to go to the mailbox and then make it back to 21 the vehicle as the vehicle was moving across the roadway 22 while it was still on her side of the road.</p> <p>23 Q. Okay. Let me ask you this: I tell you, you 24 didn't do any testing yourself of the transmission 25 system on this vehicle? That wasn't your focus,</p>	<p>1 correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Okay. Do you agree, Mr. Lock, that operators 4 of motor vehicles can make mistakes in the operation of 5 their vehicle?</p> <p>6 A. Yes.</p> <p>7 MR. SONNIER: Can you hear us?</p> <p>8 MR. DOTIN: Yes.</p> <p>9 MR. SONNIER: Okay. I heard a little 10 squeaking. I wanted to make sure we didn't lose you.</p> <p>11 Q. (BY MR. SONNIER) I think you've given numerous 12 depositions before as an accident reconstruction expert, 13 and you've testified before in other matters that 14 operators can and do make mistakes in the operation of 15 their vehicle; is that right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Can you rule out, based on any direct 18 evidence that you've seen in this case, that 19 Mrs. Vettters left the vehicle in reverse before she 20 exited?</p> <p>21 A. Yes, it -- I can rule that out because we know 22 that if she would've left the vehicle in reverse with 23 the incline on the driveway and the vehicle in reverse, 24 the vehicle would've continued to roll backwards and she 25 would've had a difficult, if not impossible, time</p>
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<p>1 exiting the vehicle and she certainly wouldn't have been 2 able to exit the vehicle, walk to the mailbox in front 3 of the house and pick up her mail, and then make it back 4 to the vehicle before the vehicle made it all the way 5 across the street.</p> <p>6 Q. Okay. Now -- and -- and when you say that, 7 you're assuming that all four of the tires of this Dodge 8 Durango were on the sloped part of the driveway, 9 correct?</p> <p>10 A. Well, it -- no, it -- the testing that I saw 11 also indicates that if the rear tires are in the flow 12 line of the curb, that the vehicle will still 13 immediately begin rearward movement when the brakes are 14 released and the vehicle is in reverse.</p> <p>15 Q. And are you talking about the plaintiffs' 16 attorneys' testing that they supplied you with?</p> <p>17 A. Yes, sir.</p> <p>18 Q. You didn't take the vehicle to the accident 19 scene, did you?</p> <p>20 A. I did not.</p> <p>21 Q. You didn't test this vehicle by putting the 22 rear tires in that flow line or that little trough at 23 the end of the driveway, leave it in reverse to see 24 whether it would back up --</p> <p>25 A. Oh, I did --</p>	<p>1 Q. -- in reverse?</p> <p>2 A. I did not personally do it, no. I just 3 observed the -- the videotapes of somebody else doing 4 that.</p> <p>5 Q. Okay. If someone were to come in and show you 6 that the rear tires were in that flow line or in that 7 trough at the end of the driveway and that it -- it was 8 left in reverse and they took their -- the foot off the 9 service brake and the vehicle remained stationary and 10 did not back up, would you have any reason to dispute 11 that?</p> <p>12 A. I would say it differs considerably from what I 13 saw on the video and I would want to know a little bit 14 more about both test conditions or perhaps I would feel 15 compelled to take the vehicle there and do some testing 16 myself with it.</p> <p>17 Q. Okay. So, if -- if you wanted to come to a 18 definitive conclusion about this issue on your own, that 19 being whether the vehicle can remain in reverse when the 20 rear wheels are in that trough or flow line, you'd want 21 to do that testing yourself to make that determination, 22 correct?</p> <p>23 A. Well, if I chose not to rely on the testing 24 that was supplied to me, that would be correct.</p> <p>25 Q. Okay. Did you direct the testing that Mr. Sico</p>

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<p>1 and -- and his people did on this vehicle? Did you tell 2 them what to do or how to do it?</p> <p>3 A. No, sir.</p> <p>4 Q. You would agree with me that if -- if you leave 5 this vehicle in reverse and there is an obstruction 6 behind the rear tires and you take your foot off the 7 service brake that, depending on the circumstances, that 8 obstruction can prevent that vehicle from moving 9 rearward in reverse? Would you agree with that?</p> <p>10 A. Well, that's obviously a true statement; but 11 the -- the key to the statement is depending upon the 12 circumstances or what's behind the rear wheels.</p> <p>13 Q. Okay. So, it would be dependent on what the 14 obstruction is?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And -- and where I'm going with this is 17 you can't rule out the possibility that the vehicle 18 would remain stationary in reverse when there's an 19 obstruction behind the tires?</p> <p>20 A. Well, it depends on what type of hypothetical 21 obstruction you're talking about. I can tell you that 22 no witnesses or the police or anybody else found any 23 obstructions or -- or objects of any type out in the 24 driveway or in the street.</p> <p>25 Q. Okay. Did you do a survey of the scene?</p>	<p>1 A. I did.</p> <p>2 Q. Okay. You mentioned this flow line or trough. 3 This is something that's kind of part of the street at 4 the very end of -- of the Vettters' driveway, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And it -- it's -- I mean, is it, like, for 7 drainage or something when it rains?</p> <p>8 A. Yes. You know how water runs along the curb 9 when it drains because the roadway has a slight crown to 10 it.</p> <p>11 Q. Okay. So --</p> <p>12 A. So, water will drain off the roadway.</p> <p>13 Q. Okay. So, the driveway coming from the 14 Vettters' garage door down to the street is sloped, 15 correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you measure the slope?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Does it -- does it vary depending on 20 where you measure it?</p> <p>21 A. Yes, it did.</p> <p>22 Q. And what -- give me a range of the slope of 23 that driveway?</p> <p>24 A. There's two different slopes on the driveway. 25 The average slope is minus 0.69, 6.9 percent and I don't</p>
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<p>1 -- I don't have it identified what the -- what the two 2 individual ones are, but I -- I have data in the 3 computer. I could certainly develop those numbers.</p> <p>4 Q. Okay. Now, when you get to the flow line or 5 that trough, that's -- that's the low point in this 6 area, correct?</p> <p>7 A. It is.</p> <p>8 Q. Okay. And then the street itself is asphalt; 9 is that right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And as you come out of that flow line or trough 12 and go more towards the center of the street, there's an 13 up slope because the roadway itself is crowned?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. Did -- did you measure the slope on the 16 street side of this flow line or trough that we've been 17 talking about?</p> <p>18 A. Yes, sir, I have a positive six percent for the 19 first three feet there.</p> <p>20 Q. Explain to the jury what -- what you mean by 21 positive six percent.</p> <p>22 A. Well, if you went a hundred feet, it would go 23 up 6 feet. If you go 3 feet, it goes up six tenths of a 24 foot -- or six hundredths of a foot. It's a very, very 25 gradual slope.</p>	<p>1 Q. If I walked out there in that street and I put 2 a -- for instance, a golf ball -- maybe that's a bad 3 example. Let's just take a basketball and I put it at 4 the street side edge of this trough or flow line and I 5 let that basketball go, is it going to roll towards the 6 Vettters' driveway?</p> <p>7 A. Yes, everything on both sides of that flow line 8 will move into the flow line just like water would when 9 it's raining because that flow line along the curb is 10 where we want to channelize the water.</p> <p>11 Q. Okay.</p> <p>12 A. So, there's enough slope there to have the 13 gravity move things towards that area.</p> <p>14 Q. Okay. So, because of the slope on the street 15 side there due to gravity, water, basketball, tennis 16 ball, I mean, take your pick, is going to want to go 17 towards the driveway until it reaches the bottom of that 18 trough or flow line, correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Would you agree with me that a slope 21 like this can be an obstruction to movement of an object 22 that would have a force going towards the center of the 23 street?</p> <p>24 A. It will be some obstruction. It'll create some 25 resistance; and depending on the inertia of the object</p>

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<p>1 and whether or not the object is operating totally under 2 power of gravity or is being propelled by, in this case, 3 an internal combustion engine, that's -- that will make 4 a difference.</p> <p>5 Q. Okay. Did you measure how much torque is in 6 this vehicle when you have it in reverse at idle speed?</p> <p>7 A. No.</p> <p>8 Q. Let's go over back to your report if we can, 9 and I'm going to turn over to page 4 where we get into 10 the summary of your opinion. So, I'll just --</p> <p>11 A. Okay.</p> <p>12 Q. -- direct your attention there. Point No. 1 -- 13 and I'll just kind of go through this. I may have 14 particular questions, but you say here: "The facts 15 indicate that Mrs. Vettters backed her vehicle out of the 16 garage and came to a stop in the driveway."</p> <p>17 And when -- when you say "backed out of 18 the garage," you are -- you are saying she backed out in 19 reverse, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Also in that sentence you say: "Came to 22 a stop with all -- where the front end of the 23 vehicle --"</p> <p>24 A. It should be "of" instead of "or."</p> <p>25 Q. Okay. "Came to a stop with all the front end</p>	<p>1 of the vehicle on the driveway."</p> <p>2 So, it's -- it's your opinion that -- that 3 the front end, the forward portion of this vehicle, came 4 to a stop somewhere in that driveway?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And I think, like you indicated earlier, 7 you -- you do not have an opinion as to exactly where 8 the vehicle came to a stop where you could say, "Okay. 9 Here's where each of those four tires came to a -- to a 10 stop?"</p> <p>11 A. No, there's no markings or no evidence that 12 would indicate that.</p> <p>13 Q. Okay. So, you -- you can't rule out the rear 14 tires of this vehicle being positioned in the bottom of 15 that flow line or trough. Would that be correct?</p> <p>16 A. That's correct. The only -- the only part of 17 that that would be somewhat negative would be that with 18 the rear overhang of this vehicle, it would mean that 19 she would -- would've stopped her vehicle with a portion 20 of the vehicle being out in the roadway.</p> <p>21 Q. Okay. And did -- did you go out there, put 22 this vehicle at the scene to determine how far it would 23 extend -- the rear end would extend out in the roadway?</p> <p>24 A. No, I -- I don't have to. We know that the -- 25 from the rear bumper to the rear axle is 3.67 feet or</p>
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<p>1 44 inches; and, so, what we would have would be 2 44 inches of the vehicle out in the roadway if it was 3 stopped in that position.</p> <p>4 Q. So -- so, getting back to the point then, in 5 terms of where the rear tires came to a stop before she 6 exited the vehicle, you -- you cannot rule out, based on 7 the direct evidence you've seen in this case, that the 8 rear wheels came to rest at the bottom of that trough or 9 flow line?</p> <p>10 A. No, I can't. I -- like I said, there's no 11 evidence available of any kind that would indicate 12 exactly where in that driveway she stopped the vehicle.</p> <p>13 Q. Okay. Now, you say Mrs. Vettters exited the 14 vehicle and walked 17 to 22 feet to her mailbox. Where 15 did you take that measurement, from what point to what 16 point?</p> <p>17 A. From the center of the driveway to the mailbox.</p> <p>18 Q. Okay. So, that -- that's just a -- a general 19 measurement from the center of the driveway to the front 20 of the mailbox?</p> <p>21 A. Right. And that's why I have a range.</p> <p>22 Q. Okay. And, obviously, the exact distance she 23 would've traveled just depends on where the vehicle is 24 stopped, correct?</p> <p>25 A. That's true.</p>	<p>1 Q. Okay. Now, you stated next that Mrs. Vettters 2 left the engine running. I assume you come to that 3 conclusion because the vehicle was found in the 4 neighbor's yard with the engine running, correct?</p> <p>5 A. Yes. It was found in the neighbor's yard with 6 the transmission in reverse and the engine running and 7 the door closed.</p> <p>8 Q. Okay.</p> <p>9 A. And the witnesses stated that nobody had 10 touched the vehicle from the time it was first seen 11 until the time the police officers arrived.</p> <p>12 Q. Okay. And getting back here, you also say in 13 that same sentence -- and I'll just read it again: 14 "Mrs. Vettters left the engine running and likely put the 15 gear selector in park."</p> <p>16 And -- and that's just an opinion that you 17 reach because you don't believe she could've left it in 18 reverse if the vehicle came to a stop with all four 19 tires up on the sloped part of the driveway, correct?</p> <p>20 A. Well, it's more than that. Mrs. Vettters -- 21 excuse me -- is an experienced driver. She had -- was 22 the primary driver of this vehicle and drove it on a 23 daily basis. Prior to having this Durango, she owned 24 another Durango, a '99 model, I believe, or '98, and put 25 many miles on those. She was familiar with how to</p>

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<p>1 operate the vehicle; and anybody that drives a vehicle 2 with -- the same vehicle on a daily basis and one with 3 an automatic transmission, pretty much knows that if 4 you're going to stop the vehicle and get out of the 5 vehicle, especially with the engine running, you have to 6 put it in park.</p> <p>7 Q. But you agree with me that operators of motor 8 vehicles can make mistakes, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Anybody can make a mistake in any activity.</p> <p>12 Q. Now, you mention in Point No. 2: "One of 13 Mrs. Vettters' shoes was found in the roadway 14 approximately 4 feet from the end of the driveway."</p> <p>15 You're talking about the Vettters' 16 driveway, correct?</p> <p>17 A. Yes.</p> <p>18 Q. So, that -- that shoe -- or I think it's 19 actually a sandal -- is actually closer. It -- it's on 20 the Vettters' half of the street as opposed to the other 21 side of the street?</p> <p>22 A. Yes, her left shoe was approximately 4 feet 23 from the end of the Vettters' driveway.</p> <p>24 Q. Is -- is there anything about the location 25 where that shoe was found that -- that tells you</p>	<p>1 anything about her interaction with that vehicle?</p> <p>2 A. What it seemed to suggest to me is that there 3 was some activity between her and the vehicle at that 4 location or a little bit prior to that location since 5 the vehicle was moving rearward that would cause some 6 instability in her -- in her step or foot placement and 7 would cause this sandal to slip off her foot. If she 8 had her foot pointed in any way towards her house and 9 there is a rearward movement of her leg, then that 10 sandal is going to slide off of her foot because it 11 didn't have a heel on it and that was her left foot.</p> <p>12 Q. Okay. Point No. 3, you say: "Based on the 13 path of travel of the vehicle, it is most probable that 14 Mrs. Vettters partially entered the vehicle."</p> <p>15 What physical evidence can you point to to 16 tell us that Mrs. Vettters partially entered the vehicle?</p> <p>17 A. Well, the physical evidence I saw shows 18 photographs of the vehicle at final rest in which the 19 driver's side window was rolled up; and we know that 20 Mrs. Vettters somehow remained with this vehicle most 21 probably from the point around where her left shoe was 22 found and to a point where she ultimately fell down in 23 the driveway across the -- from hers while the vehicle 24 was still in motion.</p> <p>25 And at the point she fell down, she would</p>
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<p>1 have been, for lack of a better way of saying it, 2 further along the path of travel than the -- than the 3 front wheels of that vehicle because we know that once 4 she fell down, the left-front wheel of the vehicle 5 rolled over her upper torso, abdominal area, sternum, 6 area, and then over her head as it was going to final 7 rest.</p> <p>8 Q. Okay. Now -- so, when you -- you say that she 9 "partially entered the vehicle," what you're saying is 10 you believe that she did have some interaction with the 11 vehicle before she fell to the street?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And do you believe or -- or do you have 14 an opinion as to whether or not she got to the point 15 where she opened the door to the vehicle to reenter?</p> <p>16 A. That seems the logical thing to me based on 17 where she ended up and where the vehicle ended up, and 18 we know that there's some markings where the dust is 19 knocked off on the passenger door --</p> <p>20 Q. The driver's door?</p> <p>21 A. -- on the left side, right behind the driver's 22 door.</p> <p>23 Q. All right.</p> <p>24 A. And there are also on the bottom of the 25 driver's door. It's also somewhat consistent with her</p>	<p>1 falling to the ground or getting knocked down if somehow 2 or another the door is opened or partially opened and it 3 obstructs her or -- or strikes her body.</p> <p>4 Q. Okay. The degree to which she may have entered 5 the vehicle, like where she put her hands or whether she 6 got a foot in or anything like that, you don't know or 7 have an opinion about that; is that -- would that be 8 correct?</p> <p>9 A. Yeah, there's no way to tell that. You know, 10 we also know that for the vehicle to follow the path of 11 travel that it took, there had to be some steering of 12 the vehicle, not -- ultimately not the steering that we 13 see with the vehicle at final rest because it is more 14 probable than not that the steering angle increased as 15 it was running over her body; but there was some 16 steering of the vehicle before it entered that driveway 17 to allow it to take that curved path that it took to 18 final rest position.</p> <p>19 Q. The vehicle itself passing over Mrs. Vettters, 20 you would agree or what you're saying is that can affect 21 the angle of the -- of the wheels?</p> <p>22 A. Oh, certainly.</p> <p>23 Q. Okay. I take it you don't know whether 24 Mrs. Vettters fell in the street before she reached the 25 neighbor's driveway. Would that be correct?</p>

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<p>1 A. Well, if the vehicle was in motion and she fell 2 in the street, she would have to then catch back up with 3 the vehicle in order to be further along the path of 4 travel than the left-front tire because ultimately the 5 left-front tire is what ran over her body; and we know 6 we had -- we had some abrasions on her -- on her knees, 7 abrasions on other parts of her body, and a few bruises, 8 her left leg, which --</p> <p>9 Q. Well, let me ask you this: Would you agree 10 that -- that she could be dragged under that vehicle for 11 a distance?</p> <p>12 A. She could be dragged under the vehicle or drug 13 under the vehicle, for example, with the -- with the 14 driver's door, holding onto the driver's door or being 15 propelled by the driver's door. I don't believe that 16 she would be totally under the vehicle.</p> <p>17 She was a rather large woman at 252 18 pounds, and we don't have any fractures or significant 19 contusions in the iliac crest or any region from the 20 pelvis down. We have a lacerated liver, a few things 21 like that that would indicate that she suffered some -- 22 some trauma there. So, it wasn't like she went 23 underneath the vehicle, I don't believe. I think the 24 front tires would've rolled over her lower extremities 25 that -- in that case.</p>	<p>1 Q. Okay. I take it in -- in this particular case, 2 you didn't do a -- a biomechanical evaluation to 3 determine her exact position throughout this accident 4 sequence. Would that be correct?</p> <p>5 A. No, I didn't; and I'm not sure that there is 6 enough physical evidence to do that reliably.</p> <p>7 Q. Okay. And let me ask you this: In terms of 8 getting in this vehicle, you -- you've told us you don't 9 really know how she interacted with the vehicle in terms 10 of touching certain components or certain parts of the 11 vehicle. Are you aware or -- or does this vehicle have 12 a handle on the A-pillar that can be used by persons to 13 assist them to get in and out of this vehicle?</p> <p>14 A. I don't recall. I'd have to look at the 15 photographs --</p> <p>16 Q. Okay.</p> <p>17 A. -- to see.</p> <p>18 Q. Do you have your pictures in front of you?</p> <p>19 A. I do.</p> <p>20 Q. Or are they on the CD?</p> <p>21 A. I have -- I have my photographs and many others 22 that -- that were provided to me.</p> <p>23 Q. See if you can look through there real quick 24 and -- and see if there's a picture of the A-pillar on 25 the driver's side, and maybe you can answer that for us.</p>
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<p>1 A. I'll give it a try. If you want to take a 2 break, we can do that; and I'll look for it.</p> <p>3 Q. Yeah. Take a look right there. I think you 4 already found it.</p> <p>5 A. Okay. I did find one. I found two photographs 6 that were provided to me. There are four photographs on 7 this page. It says: "Vettters, S, 1527-000622." It 8 shows the interior and a grab handle located on the left 9 A-pillar, and there's also one on the right A-pillar.</p> <p>10 Q. Okay. So, those handles, the -- the handle 11 right there on the A-pillar, that's typically used by 12 persons if -- if they, you know, choose to use it or 13 need assistance to -- to help them get in and out of the 14 vehicle, correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. You've seen that in other vehicles, I 17 take it?</p> <p>18 A. I have it on my vehicle.</p> <p>19 Q. Okay. Okay. So, kind of getting back to this 20 initial line of questioning, we were talking about her 21 entering the vehicle. As we sit here today, you just 22 can't tell us in -- in any -- any detail to what degree 23 or what extent she may have gotten in or interacted with 24 the vehicle before it ran over her --</p> <p>25 A. No, I --</p>	<p>1 Q. -- correct?</p> <p>2 A. -- I can't.</p> <p>3 Q. Okay. The next -- in terms of -- well, let me 4 ask you this: Is it your opinion that she did in any 5 way manipulate the steering wheel or turn the steering 6 wheel when she tried to get back in the vehicle?</p> <p>7 A. I believe she did.</p> <p>8 Q. Okay. And that's based on the -- the angle of 9 the roll path that you've determined along with the rest 10 position of the vehicle?</p> <p>11 A. Yeah, primarily the trajectory of the vehicle. 12 The fact that it -- that based on the vehicle's final 13 rest position with the headed angle that it had, it 14 would've had to have had a right steering input at some 15 point when it was in the street that the turning radius, 16 even in reverse, wouldn't be tight enough for all of the 17 steer input to be put in when the front tires were in 18 the neighbor's driveway and then for it to make the 19 turn.</p> <p>20 Q. Okay. So, you -- would it be your opinion, 21 then, that she may have induced steering input in this 22 vehicle after the vehicle was already moving rearward?</p> <p>23 A. Yes.</p> <p>24 Q. Would you agree that the vehicle passing over 25 or running over Mrs. Vettters alone could account for the</p>

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<p>1 angle and the path where this vehicle took on its way to 2 the final rest position?</p> <p>3 A. It could account for what we see as the 4 steering angle with the vehicle at final rest, but it 5 could not account for the path of travel that the 6 vehicle took.</p> <p>7 Q. Okay. So, then the -- the steering 8 input that you believe was induced by Mrs. Vettters 9 occurred after the vehicle was already moving rearward 10 in the street?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. I understand. Now, I'm reading here 13 again on No. 3 in your opinions: "This is based on the 14 fact that the front wheels were steered to the right 15 approximately 18 degrees."</p> <p>16 What -- where did the 18 degrees come 17 from, exactly?</p> <p>18 A. 18 degrees is just a -- a number that I kind of 19 scaled off of one of the police photographs that showed 20 the front wheels; and that's what the photograph shows. 21 I don't believe the wheels are actually at 18 degrees. 22 I think they're less than 18 degrees; and that's -- but 23 that's what my scaling showed.</p> <p>24 The reason is when we look at the vehicle 25 at its final rest position, the steering wheel is turned</p>	<p>1 slightly over 180 degrees and not close to -- to 350 2 degrees and, so, the steering angle with the vehicle at 3 final rest doesn't really correspond with the angle that 4 the tires appear to be at in one of the photographs, but 5 the photograph is not taken, you know, in -- in the best 6 way for evaluating that.</p> <p>7 Q. Have you calculated what percentage of the 8 steering input or what degree of steering input occurred 9 as a result of the vehicle rolling over Mrs. Vettters?</p> <p>10 A. No, I haven't. I did a little bit of work with 11 steering inputs where I just looked at what it would 12 take to have the vehicle follow that arc and I -- I set 13 it up for a 15-degree and then an 18-degree steer angle 14 to see the arc that it would follow and with those steer 15 angles over some time, it turns to the proper final rest 16 position.</p> <p>17 And, so, that's why I know that it had 18 some steer angle in the street; and, in fact, when the 19 vehicle ran over Mrs. Vettters, it most probably had a 20 higher steer angle than what we see at final rest 21 position. I think it's -- the steer angle was kind of 22 dynamic over time. It's --</p> <p>23 Q. It kind of straightened out there at the very 24 end before the vehicle came to a stop?</p> <p>25 A. Yes, sir.</p>
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<p>1 Q. Okay. What brought this vehicle to a stop?</p> <p>2 A. It just ran out of energy. It was moving up 3 the hill into the front yard of the neighbor's house. 4 It got on a higher friction surface going uphill. Of 5 course, it's -- it's going against gravity; and I don't 6 know if -- you know, the engine RPM's may have changed 7 slightly. It dropped the engine RPM's so the engine 8 torque converter wasn't quite as effective but 9 apparently, it just ran out of energy and the torque of 10 the wheels was not enough to overcome the inertia of the 11 vehicle.</p> <p>12 Q. Okay. So, when you talk about what's 13 overcoming the inertia of the vehicle, number one -- I 14 picked up on two things -- the -- the hill, because 15 there's a slope as you go up the neighbor's driveway and 16 yard, correct?</p> <p>17 A. Well, it's certainly going to slow down a lot 18 when it runs over Mrs. Vettters. So, that's going to 19 take a lot of the energy out; but then it's going up the 20 hill after that.</p> <p>21 Q. Now, also, you mentioned a higher friction 22 surface. Are you talking about the grass?</p> <p>23 A. Yeah. Well, not really higher friction, but 24 higher rolling resistance, I should say.</p> <p>25 Q. So, the -- the grass, the soft yard there</p>	<p>1 that -- that you found in the neighbor's yard, that 2 offers resistance to the vehicle moving in -- in that 3 direction?</p> <p>4 A. The vehicle whose inertia is already degraded 5 somewhat by running over Mrs. Vettters and then going up 6 the -- the hill, you know, from the drive -- street into 7 the driveway and then up into the yard.</p> <p>8 Q. Okay. And it's your understanding, based on 9 the witness statements, that this vehicle was found with 10 the engine still running and the transmission in 11 reverse?</p> <p>12 A. And the headlights on.</p> <p>13 Q. And the headlights on. And it was not moving 14 because there was something offering resistance to the 15 vehicle?</p> <p>16 A. Yes.</p> <p>17 Q. And it would not allow it to continue to -- to 18 move in a rearward direction under power?</p> <p>19 A. That's my understanding.</p> <p>20 Q. Okay. Now, you say here -- this is Point No 7.</p> <p>21 A. Oh.</p> <p>22 Q. "The cause of the injuries received by 23 Mrs. Vettters was the inadvertent movement of her 24 vehicle."</p> <p>25 You're talking about the vehicle moving</p>

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<p>1 when she didn't expect it to move?</p> <p>2 A. Right.</p> <p>3 Q. Okay.</p> <p>4 A. She was -- she was outside of the vehicle, and</p> <p>5 the vehicle was moving. That's --</p> <p>6 Q. Okay. And what I'm getting at -- you're not</p> <p>7 getting into opining about the design and performance of</p> <p>8 the transmission system. You're just taking it from a</p> <p>9 general standpoint that she's approaching and -- and</p> <p>10 didn't expect the vehicle would be moving?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And to go on here, you say: "Her</p> <p>13 diligent effort in attempting to stop the out of control</p> <p>14 vehicle --" you think she tried to stop the vehicle?</p> <p>15 A. I do.</p> <p>16 Q. And -- and -- and what, in your opinion, did</p> <p>17 she try to do to stop the vehicle?</p> <p>18 A. I don't know what she tried to do; but I know</p> <p>19 that she was out of the vehicle, away from the vehicle,</p> <p>20 the vehicle was in motion, and then she interacted with</p> <p>21 the vehicle in such a way that ultimately it overran</p> <p>22 her. So, she was most probably attempting to -- to stop</p> <p>23 the vehicle or regain control or do something with it.</p> <p>24 Q. Okay. But whether she got in there and tried</p> <p>25 to put the brake on or her apply the park brake, we just</p>	<p>1 don't know that information, correct?</p> <p>2 A. No, there -- there's nothing that we could do</p> <p>3 except speculate on that.</p> <p>4 Q. Do you agree it's -- it's not a good idea for a</p> <p>5 person to chase down a moving vehicle from the outside?</p> <p>6 MR. DOTIN: Objection, form.</p> <p>7 A. I know that it happens on a regular basis, and</p> <p>8 it's something that probably shouldn't be done.</p> <p>9 (BY MR. SONNIER) Okay. There's a -- going</p> <p>10 through your file here, there's a little drawing or</p> <p>11 diagram that -- that I think you prepared.</p> <p>12 A. Yes, sir.</p> <p>13 Q. And go ahead and turn to that page in your</p> <p>14 file, if you could.</p> <p>15 A. Okay.</p> <p>16 Q. You actually have a couple of diagrams in here;</p> <p>17 is that right? There's --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- there's another one. Well, there's several</p> <p>20 more. I'll get to them in -- this is the one. How</p> <p>21 would you describe or how do you identify this</p> <p>22 particular document?</p> <p>23 A. It's just a geometric layout of the roadway</p> <p>24 with the vehicles in the final rest position.</p> <p>25 Q. Okay.</p>
<p style="text-align: center;">Page 56</p> <p>1 A. And another vehicle showing the front wheels</p> <p>2 exiting the driveway and it's laid out in a way that it</p> <p>3 has X, Y coordinates to -- so you see what the distances</p> <p>4 are that the vehicle traveled.</p> <p>5 Q. Okay. I'm going to mark this one as Exhibit</p> <p>6 No. 5.</p> <p>7 (The following exhibit was marked for</p> <p>8 identification: Exhibit No. 5)</p> <p>9 (BY MR. SONNIER) This is that diagram that you</p> <p>10 just explained. That particular one, you have the --</p> <p>11 the vehicle on the top here. This -- this is the</p> <p>12 Vettters' driveway, the one without the tree beside it,</p> <p>13 correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And you have the -- the Vettters' son vehicle</p> <p>16 parked in the driveway there. You have that depicted on</p> <p>17 this diagram, correct?</p> <p>18 A. I do.</p> <p>19 Q. Okay. And then at the bottom of the driveway,</p> <p>20 you have the Durango, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Now, this position of the Durango at -- at the</p> <p>23 Vettters' driveway, that is not meant to depict where you</p> <p>24 believe the vehicle was stopped when she exited to go to</p> <p>25 the mailbox. Would that be correct?</p>	<p style="text-align: center;">Page 57</p> <p>1 A. That's correct. I just wanted to show that</p> <p>2 there with the centerline of the axles at the bottom of</p> <p>3 driveway just so you'd get some idea of what those</p> <p>4 distances are.</p> <p>5 Q. Okay. The -- the little circle right here</p> <p>6 beside the -- the vehicle in the street, what is that</p> <p>7 meant to represent?</p> <p>8 A. That's a -- just a marking that was in the</p> <p>9 roadway that's a light colored piece of asphalt just to</p> <p>10 use when you're looking at the photograph to get some</p> <p>11 reference.</p> <p>12 Q. Okay. So, you use that as a reference point?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. There's also some pages in here, it</p> <p>15 looks like calculations of the Durango backing.</p> <p>16 Describe for us what these are.</p> <p>17 A. Those are the ones I just discussed where I</p> <p>18 just put in the steer input to see what kind of steer</p> <p>19 inputs could be done to get this Durango to its final</p> <p>20 rest position, and it's from that series of runs that we</p> <p>21 see that the Durango had to have a steer input when it</p> <p>22 was in the street.</p> <p>23 Q. Now, do you make an assumption as to where the</p> <p>24 vehicle starts from when you calculate these steering</p> <p>25 inputs?</p>

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<p>1 A. Well, based on this hypothetical run, I just 2 started it where the vehicle is shown on the diagram 3 that you just marked.</p> <p>4 Q. With the front tires essentially in that trough 5 or flow line at the edge of the street?</p> <p>6 A. That's correct.</p> <p>7 Q. You assume that the vehicle, as it comes out of 8 this driveway and into the street, is pretty much 9 straight out as you have depicted in Exhibit No. 5?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Which means if -- if, for example, she 12 stopped to exit the vehicle in this position as shown on 13 Exhibit No. 5, both the -- the front tires would be in 14 the -- in the bottom of that trough or flow line that 15 you've talked about?</p> <p>16 A. Right. But this isn't meant to show where -- 17 where she left the vehicle. It's just meant to show a 18 position of the vehicle.</p> <p>19 Q. No, I understand that. What I'm getting at is 20 just the -- the orientation of the vehicle to the 21 driveway, as you believe it -- it's coming out.</p> <p>22 A. Straight down the driveway.</p> <p>23 Q. Okay. So, if -- if the vehicle were further up 24 and, say, the rear tires were in that flow line, both of 25 the rear tires would be in that flow line?</p>	<p>1 A. That's correct.</p> <p>2 Q. And do you have an opinion as to where the 3 vehicle was in the roadway when there was steering input 4 by Mrs. Vettters?</p> <p>5 A. No. All -- all these runs tell me is the 6 steering input had to occur when the vehicle -- well, 7 when the front tires were basically on her side of the 8 road because I didn't try to estimate what kind of 9 additional steer angle the vehicle would have when it 10 runs over her body. That would have been a guess and 11 not even engineering judgment; and, so, I just wanted to 12 see if the vehicle needed a steer input to get to its 13 final rest position and if the steer input would have to 14 occur when the vehicle is in the street or if it 15 could've totally occurred once the vehicle ran over her 16 body.</p> <p>17 Q. Okay. So -- so, what you can -- although -- 18 well, let me take this part by part. You can't say 19 exactly where the vehicle was in the street when that 20 steering input by Mrs. Vettters occurred, correct?</p> <p>21 A. No, I can say that it occurred on her side of 22 the street.</p> <p>23 Q. Okay. Meaning from the -- the very center of 24 the street towards her side of the street?</p> <p>25 A. Yes.</p>
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<p>1 Q. Where her house is?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And we know -- and the other thing that 4 you do conclude is that when that steering input by her 5 was -- was induced, the vehicle was moving rearward?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. I think I understand. Now, let me show 8 you this other diagram here; and it's the one that's 9 kind of colored where you have green, I guess, for the 10 grass and -- and whatnot. I'll get you to turn to that 11 one, and I'm going to mark it as Exhibit No. 6.</p> <p>12 (The following exhibit was marked for 13 identification: Exhibit No. 6)</p> <p>14 A. Would this be a good time to take a little 15 break --</p> <p>16 Q. You know --</p> <p>17 A. -- and run down the hall?</p> <p>18 Q. It sure would. Because our videographer said 19 we only have five minutes left on the tape, anyway. So, 20 why don't we do that?</p> <p>21 A. Okay.</p> <p>22 MR. SONNIER: Matt, do you just want to 23 hang on?</p> <p>24 MR. DOTIN: Yeah, I'll just -- I'll stay 25 on the line. I'll just --</p>	<p>1 MR. SONNIER: Just do that, we don't --</p> <p>2 MR. DOTIN: -- grab a cup of coffee, and 3 I'll be right back in.</p> <p>4 MR. SONNIER: You know, we don't have a 5 whole lot left. So --</p> <p>6 MR. DOTIN: Good deal.</p> <p>7 THE VIDEOGRAPHER: We're off the record at 8 10:18. End of Tape 1.</p> <p>9 (Recess from 10:18 a.m. to 10:24 a.m.)</p> <p>10 THE VIDEOGRAPHER: We're on the record at 11 10:24. Beginning of Tape 2.</p> <p>12 Q. (BY MR. SONNIER) Mr. Lock, I'm going to hand 13 you Exhibit No. 6. It's that diagram I started to ask 14 you about.</p> <p>15 A. I have a copy in front of me.</p> <p>16 Q. Okay. What are you showing here?</p> <p>17 A. Just trying to show the layout of the -- of the 18 roadway, the houses, and the vehicles, showing that 19 there's the blue truck up in the driveway, that 20 Mrs. Vettters' vehicle was, at some point, in the 21 driveway and it moved to its final rest position where 22 we show it. Show the shoe in the road. I show the 23 trash can.</p> <p>24 Q. That's that little box at the end of the 25 Vettters' driveway?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. And I show where the mailbox is that</p> <p>4 Mrs. Vettters would've traveled to.</p> <p>5 Q. Okay. Now, with respect to the rest position</p> <p>6 of the Durango, you do try to accurately depict the</p> <p>7 final rest position in this diagram, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And -- and also with respect to Mrs. Vettters</p> <p>10 where -- where she came to rest?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. Obviously, the -- the shoe, the mailbox,</p> <p>13 and the trash can, you also try to pinpoint those exact</p> <p>14 locations where those items were located?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Now, with respect to the Durango in the</p> <p>17 Vettters' driveway, what you're telling me is that</p> <p>18 position of the Durango in this diagram is not meant to</p> <p>19 depict where the vehicle was stopped before she exited</p> <p>20 to get the mail?</p> <p>21 A. That's correct. It's just meant to show and</p> <p>22 indicate to the jury that the Vettters vehicle was in the</p> <p>23 driveway when this event started.</p> <p>24 Q. Okay. Somewhere in that driveway?</p> <p>25 A. Yes, sir.</p>	<p>1 Q. Okay. I understand.</p> <p>2 (The following exhibit was marked for</p> <p>3 identification: Exhibit No. 7)</p> <p>4 Q. (BY MR. SONNIER) Exhibit No. 7, this looks</p> <p>5 like a cross section that you've drawn here. Why don't</p> <p>6 you describe for us what that is?</p> <p>7 A. It just gives the lengths of various parts of</p> <p>8 the driveway and the roadway and also gives the slope of</p> <p>9 those.</p> <p>10 Q. Okay. On the right-hand side of this, you have</p> <p>11 6714 Pintail. That's the Vettters' driveway, correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Now, on here you have slope minus 0.069. What</p> <p>14 exactly is that?</p> <p>15 A. Right. That's that 6.9 percent slope.</p> <p>16 Q. Okay. Does -- does that equate -- I mean,</p> <p>17 if -- if I wanted to know the degree of that slope,</p> <p>18 can --</p> <p>19 A. Well, you've got --</p> <p>20 Q. -- can I -- can I figure that out from what</p> <p>21 you've done here?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What -- what is the degree of that</p> <p>24 slope?</p> <p>25 A. Well, you've got 6.9 percent. Say you've</p>
<p style="text-align: center;">Page 64</p> <p>1 got -- .069 is the degree. You take the slope and</p> <p>2 divide it by a hundred.</p> <p>3 Q. So, is -- is it 6.9 degrees?</p> <p>4 A. I believe so. I'd have to look at that.</p> <p>5 Q. Okay. Whereas, say, on a -- on a scale, if you</p> <p>6 assume the surface is flat, straight up is 90 degrees,</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Okay. And I -- and I think on this</p> <p>10 diagram, there's -- there's two little lines on the 6714</p> <p>11 Pintail driveway depiction. Is that meant to represent</p> <p>12 the sidewalk?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. After -- as you go down from the house</p> <p>15 toward the street after you pass the sidewalk, the slope</p> <p>16 actually levels out somewhat, doesn't it?</p> <p>17 A. Yes, it begins to level out at the edge of the</p> <p>18 sidewalk that is away from the street. So, it's a</p> <p>19 constant slope from the sidewalk to the street.</p> <p>20 Q. Okay. You have elevation here on both the</p> <p>21 right and the left side, 4 feet, 2 feet, 0 feet.</p> <p>22 A. Yes --</p> <p>23 Q. Do you see that?</p> <p>24 A. -- that's just to give you some indication of</p> <p>25 what the rise is.</p>	<p style="text-align: center;">Page 65</p> <p>1 Q. Okay. What -- what is 0 feet? Where -- where</p> <p>2 is the reference --</p> <p>3 A. That's just an arbitrary number.</p> <p>4 Q. Okay.</p> <p>5 A. I -- I said let's just call something zero</p> <p>6 here, and then you can scale off to see how much the</p> <p>7 driveway rises or the street rises from any position.</p> <p>8 Q. Okay. Did you calculate -- well, I think you</p> <p>9 told us this earlier. You -- you did calculate the</p> <p>10 slope of the -- of the flow line on the street side,</p> <p>11 correct? And that was also right around six -- 6</p> <p>12 degrees?</p> <p>13 A. Yeah, it shows up on this -- on the diagram</p> <p>14 here. Now, I've got -- the way it's drawn, I don't go</p> <p>15 in and show -- for example, at that 2.4 feet, you can</p> <p>16 see, it's got a little bit higher rise at that --</p> <p>17 Q. Okay. So, the -- the --</p> <p>18 A. -- small piece and really that's the concrete.</p> <p>19 You know, when you come down from the face of the curb,</p> <p>20 there's concrete that runs out for several feet and then</p> <p>21 the asphalt of the roadway starts.</p> <p>22 Q. Okay.</p> <p>23 A. And, so, at the edge of the concrete the start</p> <p>24 of the asphalt, there's a little hump right there; and</p> <p>25 you can see that the -- that height and that distance is</p>

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1	represented by the 2.4 and the 0.155.	1	(The following exhibit was marked for
2	Q. Okay. The 0.115 slope is that little narrow	2	identification: Exhibit No. 8)
3	concrete section of the flow line?	3	Q. (BY MR. SONNIER) It's angles and calculations.
4	A. The concrete and then the lip of the asphalt as	4	What is Exhibit No. 8?
5	it begins to move up.	5	A. It's just the same thing that -- as we have on
6	Q. Okay. The .0602 is what?	6	this police drawing here where I scaled off
7	A. That's the initial slope of the asphalt as we	7	approximately the center of the tire and the front of
8	move to the area where it really takes the parabolic	8	the vehicle and tried to estimate the steer angle of the
9	curve that the rest of the roadway has.	9	vehicle; and these are just the calculations to estimate
10	Q. Okay. If -- if -- if I -- if I look at the	10	that steer angle.
11	slope, then, of the street side of this flow line or	11	Q. And that's what you were looking at?
12	trough, is it 15 and a half degrees?	12	A. Yes, sir.
13	A. It's -- at that -- in the one section there,	13	Q. Okay. Now, this -- these calculations here,
14	yes.	14	the next page there in your file, what is that?
15	Q. Okay. And then you go on to -- to calculate	15	A. That's the raw data from the survey instrument
16	slope and distances on the other side of this street	16	where all the points were shot --
17	opposite of where the Vettters' home is, correct?	17	Q. Okay.
18	A. Yes.	18	A. -- in terms of X, Y, and Z coordinates.
19	Q. And those figures are also depicted on your --	19	Q. Okay. So, you -- you have a point of
20	your diagram here?	20	reference, correct?
21	A. Right.	21	A. Yes, the instrument is the point of reference.
22	Q. Okay. I got you. Here's a -- let me mark this	22	Q. Okay. And then you have actually 73 different
23	sheet. I don't know what it is. I'm going to get you	23	points that you've identified, correct?
24	to identify it. Mark it Exhibit No. 8.	24	A. Yes.
25	*	25	Q. Okay. You have in here a little page,
Page 68		Page 69	
1	SparkCharts physics formulas -- two pages. What are	1	Q. Lastly here, you have a couple of pages -- the
2	these?	2	bottom says: "Gasoline Truck Index." What is this?
3	A. Those are just the basic physics equations that	3	A. It's, again, a series of books that we buy on
4	are used worldwide to show that any calculations I did	4	gasoline trucks, diesel trucks, and import trucks that
5	are consistent with what's normally used and accepted.	5	lists all the specifications and describes some of the
6	Q. Now, you have some information in here	6	components of the vehicle.
7	regarding a description of the vehicle. Where did that	7	Q. Okay. This -- okay. This is a publication you
8	information come from?	8	have in your office?
9	A. That's a little computer program we have that	9	A. Yes, sir.
10	breaks down the VIN.	10	Q. And what's the title of it?
11	Q. So, looking at the VIN, you can tell the	11	A. Just Gasoline Truck Index.
12	country of origin, manufacturer, vehicle type, things of	12	Q. Okay. And in that you can turn to a particular
13	that nature, correct?	13	vehicle and get information regarding wheelbase, you
14	A. Yes.	14	know, length, height, and other details regarding the
15	Q. Okay. You also have some information from	15	vehicle, correct?
16	Expert AutoStats; is that correct?	16	A. That's correct.
17	A. Yes, sir.	17	Q. On the second page of this, there's actually
18	Q. And -- and what is -- what are -- what are	18	a -- a little section regarding the transmission of the
19	these?	19	vehicle. Do you see that?
20	A. That's a database that we buy every year that	20	A. Yes.
21	has the specifications for all makes and models of	21	Q. And on what you have here, it says:
22	vehicles.	22	"Transmission Chrysler 42RE, four-speed automatic." Did
23	Q. And this specific one is on the Durango, the	23	I read that correctly?
24	'02 Durango?	24	A. Yes, sir.
25	A. Yes, sir.	25	Q. Okay. Do you know whether the Vettters vehicle

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1 had a 42RE transmission? 2 A. I didn't confirm it, but that's what the specs 3 say that it has for that year. I know there was a 4 change in transmissions sometime around 2002, 2003; but 5 I didn't get underneath the vehicle and try to confirm 6 it. 7 Q. Okay. So, if -- if other persons were to tell 8 us that this vehicle had a 45RFE transmission, you 9 wouldn't disagree with that? 10 A. No. 11 Q. Okay. Your vehicle inspection back in May of 12 '05, let me ask you a couple of more questions about 13 that, if I could. Did you check the transmission fluid 14 and engine oil levels? 15 A. I did not. 16 Q. Okay. You didn't check any of the oil levels 17 in the vehicle? 18 A. No, I -- I wasn't asked to evaluate anything 19 in -- as far as mechanical components on the vehicle. 20 So, I did not. 21 Q. Okay. Did you take some video of the vehicle 22 during your inspection? 23 A. I did. 24 Q. Okay. Did you have an assistant with you, or 25 did you do all that by yourself?	1 A. I did it myself. 2 Q. Okay. And the purpose of doing this -- the 3 video is just to document different parts of the vehicle 4 and show -- show certain things, correct? 5 A. Yes. It's much more efficient and -- and 6 better than taking just photographs because the video 7 has capability of -- of zooming in to get very fine 8 details. 9 Q. Okay. I think I was asking you about oil 10 levels. So, on your inspection, you didn't check engine 11 oil level, transmission oil level, anything like that? 12 A. I did not. 13 Q. Okay. Didn't even -- didn't pull the dipstick 14 out? 15 A. I did not. 16 Q. Who was with you during your inspection, by the 17 way? 18 A. Well, nobody was with me. There were -- 19 Q. And I'm talking about whether Mr. Sico or 20 Mr. Dotin -- 21 A. They were present in the -- I believe Mr. Dotin 22 was present in the building at some point in time. 23 Q. Okay. Now, I notice that you had taken some 24 photographs and -- and video of different markings on 25 the vehicle. You specifically had referenced earlier in
1 the deposition that there were some handprints or 2 fingerprints on certain portions of the vehicle. 3 A. Yes. 4 Q. Okay. Do you remember finding handprints or 5 fingerprints on the rear lift gate of the vehicle? 6 A. I have a distinct recollection of a photograph 7 of that showing where the dirt had cleaned off -- been 8 cleaned off the tailgate area. 9 Q. Okay. And what you saw, is that consistent 10 with someone that at -- at some point in time closed the 11 lift gate of the vehicle? 12 A. Yes. 13 Q. Okay. Now, you also found some -- some prints 14 on the driver's door itself, correct? 15 A. Yes. 16 Q. And where were those prints located 17 specifically? 18 A. The photographs and the video show -- they show 19 some, I believe, above the door handle, some in other 20 areas; and especially on the video, what I did was I 21 would -- I would zoom out and then zoom in and show the 22 distinct detail and then zoom back out to show, again, 23 where physically that was located. 24 Q. Okay. In reference to the other parts of the 25 vehicle?	1 A. Yes. 2 Q. Okay. Obviously, you can't tell us when those 3 prints on the door got there? 4 A. No. 5 Q. And you don't know whose they are? 6 A. I don't, but I know the police officers -- one 7 of the investigators looked at them and documented some 8 of those marks; and, so, I looked at his photographs and 9 looked to see what the marks looked like myself. 10 Q. Okay. The -- the prints on the -- or the 11 markings on the -- the driver's door, you said there 12 were some just above or -- or around the -- the handle, 13 the handle that you use to open the door? 14 A. Yes, sir. 15 Q. Were there also some right on the edge, kind of 16 below the handle area? 17 A. I believe there were. 18 Q. And those prints that are kind of right on the 19 edge of the -- the back end of the driver's door 20 below the handle there, would those be marks consistent 21 with someone touching the door and shutting it? 22 A. From the outside? 23 Q. Yes. 24 A. Yes. 25 Q. All right.

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<p>1 A. They could be.</p> <p>2 Q. Now, you also mentioned earlier that there were</p> <p>3 some other marks on the forward end of the left-rear</p> <p>4 passenger door.</p> <p>5 A. Yes.</p> <p>6 Q. Ex -- explain to us where you found those marks</p> <p>7 exactly.</p> <p>8 A. Well, they show up in these photographs; and</p> <p>9 they are on the rub strip, on the door impact rub strip</p> <p>10 area at the leading edge of the rear door and --</p> <p>11 Q. And do you have a -- if you can just --</p> <p>12 A. Sure.</p> <p>13 Q. -- find a photograph for me real quick. I want</p> <p>14 make sure I know exactly where you're talking about.</p> <p>15 A. I can -- on Photograph 1527-000103 you can see</p> <p>16 the area in the upper portion of that photo.</p> <p>17 Q. What -- what caused those marks, or do you</p> <p>18 know?</p> <p>19 A. I don't know. It's some contact with the</p> <p>20 vehicle that wiped away the dirt.</p> <p>21 Q. Okay. But whether it's a hand, a leg, or some</p> <p>22 other object, there's no way to tell just by looking at</p> <p>23 those marks?</p> <p>24 A. No, the marks didn't have a -- any kind of</p> <p>25 characteristic shape or pattern like -- for example, a</p>	<p>1 pedestrian impact where, you know, pedestrians hit at 40</p> <p>2 miles an hour, you can match up clothing contacts and</p> <p>3 skin contacts, things like that. This didn't have any</p> <p>4 of that.</p> <p>5 Q. Okay. So, those marks may or may not be</p> <p>6 related to Mrs. Vettters' contact with the vehicle at</p> <p>7 some point during this accident sequence?</p> <p>8 A. That's true.</p> <p>9 Q. Okay. You also shot some video on -- of the</p> <p>10 undercarriage of the vehicle?</p> <p>11 A. Yes.</p> <p>12 Q. Did you find any marks on the undercarriage?</p> <p>13 A. I did not.</p> <p>14 Q. Did you find any marks around the tire or wheel</p> <p>15 area, any of the tires or wheels, that you believe may</p> <p>16 be the result of contact to Mrs. Vettters?</p> <p>17 A. No, I didn't see anything on -- on the tire.</p> <p>18 Q. I'm assuming when you did your inspection of</p> <p>19 the vehicle, you cranked the engine to see if it would</p> <p>20 run?</p> <p>21 A. I didn't personally crank the engine, but the</p> <p>22 people at the warehouse cranked it and pulled the</p> <p>23 vehicle into a clearer area so I could look at it.</p> <p>24 Q. Okay. Did -- did you ever at any time get in</p> <p>25 and operate the vehicle with the engine running?</p>
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<p>1 A. No.</p> <p>2 Q. Okay. So, you didn't -- you didn't get in</p> <p>3 there and shift the lever into different gears?</p> <p>4 A. No, I didn't want to cause any contamination to</p> <p>5 the evidence at all.</p> <p>6 Q. Okay. Did you test or examine the park brake</p> <p>7 of the vehicle?</p> <p>8 A. I didn't look at the park brake. I looked</p> <p>9 primarily at the outside of the vehicle and measured the</p> <p>10 heights of different objects and looked for contact</p> <p>11 markings.</p> <p>12 Q. Okay. I saw where you had taken some</p> <p>13 photographs of the steering column up underneath the</p> <p>14 dash there --</p> <p>15 A. Yes.</p> <p>16 Q. -- near the pedals. Is that just for</p> <p>17 documenting that part of the vehicle --</p> <p>18 A. Yes.</p> <p>19 Q. -- and just --</p> <p>20 A. And to see if anything was -- had moved or was</p> <p>21 loose or the shear capsules had been at some point</p> <p>22 slipped or moved, you know, that would tell us maybe</p> <p>23 this vehicle had been involved in a frontal collision or</p> <p>24 something at some point in time.</p> <p>25 Q. Did you find anything out of the ordinary when</p>	<p>1 you looked --</p> <p>2 A. No, it looked --</p> <p>3 Q. -- at that?</p> <p>4 A. It looked clean and -- and in an as</p> <p>5 manufactured condition.</p> <p>6 Q. I'm going to show you a photograph here.</p> <p>7 I'd -- I'll represent to you that's something either</p> <p>8 Mr. Sico took or Mr. Stilson. This is something Craig</p> <p>9 gave me yesterday; but that's a photograph of the area</p> <p>10 underneath the dash near the -- the accelerator pedal,</p> <p>11 brake pedal, in that area of the vehicle, correct? Do</p> <p>12 you recognize that?</p> <p>13 A. Yeah, it's right there next to the OBD2 plug.</p> <p>14 Q. Which is what?</p> <p>15 A. The electronic connection to talk to the</p> <p>16 vehicle.</p> <p>17 Q. Okay. There's something circled on that</p> <p>18 photograph, looks like a little cylinder type object</p> <p>19 around a wire.</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember seeing that?</p> <p>22 A. I don't have a recollection of seeing it.</p> <p>23 Q. Do you know what that is?</p> <p>24 A. Well, it looks like it's a -- it's a piece that</p> <p>25 may be used to isolate that wire from -- from something</p>

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<p>1 else or just to contain it. I'd have to look at it and 2 see what it's used for.</p> <p>3 Q. Okay. So, as we sit here today, you -- you -- 4 you just can't identify what that is for us?</p> <p>5 A. No, I can't.</p> <p>6 MR. DOTIN: Hey, Robert, just for 7 clarification, is that a photo taken after the steering 8 columns --</p> <p>9 MR. SONNIER: Yeah, and -- and what I'm 10 asking, Matt, is -- Craig gave me this photograph -- 11 it's that little aluminum --</p> <p>12 MR. DOTIN: A little aluminum cylinder?</p> <p>13 MR. SONNIER: -- cylinder that everybody 14 is trying to figure out what it is.</p> <p>15 MR. DOTIN: Okay.</p> <p>16 MR. SONNIER: So, I was asking him if he 17 knew what it is.</p> <p>18 MR. DOTIN: Right. No problem.</p> <p>19 Q. (BY MR. SONNIER) Mr. --</p> <p>20 A. Those are put on there sometimes just for 21 vibration dampening, just -- if you have a cable and it 22 gets -- it vibrates at a certain frequency, if you put a 23 weight on it, it doesn't vibrate anymore.</p> <p>24 Q. Okay. Is that something put on, like, an after 25 market deal; or is it --</p>	<p>1 A. No, it's --</p> <p>2 Q. -- something by the manufacturer?</p> <p>3 A. It's by the manufacturer. I have another photo 4 of it here. That appears what that -- that may be 5 something like that. I'll show you this photo I have of 6 it.</p> <p>7 Q. Yeah. Do you -- okay. First of all, do you 8 know what wire that's on or cable?</p> <p>9 A. Let me see that photo again. I don't know. 10 I'd have to get underneath the dash and look at it.</p> <p>11 Q. Okay. Do you have any plans to -- to do any 12 further inspections of this vehicle?</p> <p>13 A. I didn't have any when I came in here this 14 morning, but some of your questions seem to raise a flag 15 or two.</p> <p>16 Q. Okay. And now that we've -- we've kind of gone 17 through this deposition process this morning, is 18 there -- is there some things you're curious about or -- 19 or may inquire about further?</p> <p>20 A. Well, I have some curiosity about your 21 questions about the vehicle with the rear tires placed 22 in the flow line and the movement of that vehicle and 23 whether or not I could prove up that the vehicle would 24 roll or wouldn't roll or there -- if there's some 25 argument about it, then certainly that's something that</p>
<p style="text-align: center;">Page 80</p> <p>1 should be looked at by somebody that can swear to it.</p> <p>2 Q. Okay. So, I guess another way of saying that, 3 if -- if Mr. Sico and plaintiff's attorneys ask you to 4 do that, that may be something you'd want to look at 5 yourself?</p> <p>6 A. Yeah, if they choose to have that done.</p> <p>7 Q. Okay. Is there -- is there anything that 8 you've reviewed or relied upon that is not part of your 9 file that's with you here today?</p> <p>10 A. No, sir.</p> <p>11 Q. Let me check my notes because we may very well 12 be -- be done here. During your inspection, did you 13 ever rotate the key to see if the electronic system 14 works on the vehicle?</p> <p>15 A. I did not; but since the engine was started and 16 the vehicle was moved, I think we can assume that some 17 of the electronics at least worked.</p> <p>18 Q. Okay. One more thing, I -- I think I forgot to 19 ask you this earlier; but you're -- you're not a human 20 factors expert in this case; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. Meaning you're -- you're not going to 23 offer any testimony regarding actions or habits or 24 whatnot of Mrs. Vettters' other than what you've already 25 told us about here today?</p>	<p style="text-align: center;">Page 81</p> <p>1 A. That's right.</p> <p>2 Q. Okay. You indicated that during your 3 inspection, someone with Mr. Sico's firm actually 4 started the vehicle, moved it to a location where you 5 could get to it and do your examination, correct?</p> <p>6 A. Yes.</p> <p>7 Q. It seems, from photographs of yours that I 8 reviewed, the inspection, for the most part, was done 9 inside the warehouse?</p> <p>10 A. It was. The vehicle was moved maybe 10 feet 11 forward.</p> <p>12 Q. Okay. And you were present when they moved it?</p> <p>13 A. I was.</p> <p>14 Q. Okay. And I'm assuming when they moved it, 15 they stopped the vehicle, put it in park, turned the 16 engine off to allow you to go about doing your 17 inspection?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And during that sequence -- or let me 20 ask you this: During your inspection at any time, did 21 the vehicle ever move or roll out of a parked position?</p> <p>22 A. Oh, the engine was turned off on the vehicle.</p> <p>23 Q. Okay.</p> <p>24 A. And the floor was flat and level.</p> <p>25 Q. Okay. So, the answer would be the vehicle</p>

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<p>1 never did move during your inspection?</p> <p>2 A. That's correct.</p> <p>3 Q. Did you evaluate the brake inter -- the brake</p> <p>4 shift interlock device or the key interlock device?</p> <p>5 A. No, that would've required me to get in the</p> <p>6 vehicle and -- and to move things repeatedly and I</p> <p>7 wasn't asked to do that and I didn't think that would be</p> <p>8 a good thing to do since I wasn't in the process of</p> <p>9 evaluating those --</p> <p>10 Q. Okay.</p> <p>11 A. -- components.</p> <p>12 Q. So, you -- you didn't take the shroud or the</p> <p>13 cover off the steering column during your inspection,</p> <p>14 did you?</p> <p>15 A. No, I did not.</p> <p>16 Q. Okay. Another thing just to make sure that</p> <p>17 you're not addressing in this case, you -- you're not</p> <p>18 going to address any other similar incidents with a</p> <p>19 Durango, are you?</p> <p>20 A. Not unless I'm provided with information about</p> <p>21 similar incidents and I have a chance to review all that</p> <p>22 information and I'm asked the question, "Are you</p> <p>23 familiar with any similar incidents?"</p> <p>24 Q. Okay. So, as of right now, you're not familiar</p> <p>25 with any?</p>	<p>1 A. I'm not familiar with the specifics of any.</p> <p>2 I've -- obviously, I've looked on the internet and I can</p> <p>3 see that there's other -- there are other similar</p> <p>4 incidents, but I don't have any information about any of</p> <p>5 them.</p> <p>6 Q. Okay. When you say you looked on the internet,</p> <p>7 did you go to NHTSA's Web site?</p> <p>8 A. I went to NHTSA, Auto Safety; and then there's</p> <p>9 quite a few Web sites out there by various plaintiff</p> <p>10 attorneys that have some information on that sort of</p> <p>11 thing.</p> <p>12 Q. Okay. And you looked at these Web sites just</p> <p>13 regarding other incidents involving a 2002 Durango?</p> <p>14 A. Just to get a feel for whether or not that's</p> <p>15 something that -- that happens.</p> <p>16 Q. Okay. And what -- and what -- what you saw,</p> <p>17 than, were notations or whatever, entries on these Web</p> <p>18 sites where persons have complained or made a complaint</p> <p>19 about a vehicle moving rearward?</p> <p>20 A. Yes, I -- I did see that.</p> <p>21 Q. But in terms of any of those that you looked</p> <p>22 at, you didn't do any independent investigation such as</p> <p>23 calling the persons involved, talking to them, or</p> <p>24 inspecting any of those vehicles?</p> <p>25 A. Oh, absolutely not. I'm, I mean -- and -- and</p>
<p style="text-align: center;">Page 84</p> <p>1 they're not very specific. For example, this one says,</p> <p>2 you know, prior -- prior to the recall on a Jeep, 860</p> <p>3 people complained, 359 crashes, 184 injuries, and 5</p> <p>4 deaths on that particular transmission.</p> <p>5 Q. Okay. Well --</p> <p>6 A. And -- and there's other stuff about Dodge Rams</p> <p>7 and the Chrysler recalls, 583,000. I didn't follow up</p> <p>8 on any of that.</p> <p>9 Q. Okay. So, that -- that's just not part of your</p> <p>10 analysis or your opinions in this case?</p> <p>11 A. No. I was just curious.</p> <p>12 Q. Okay. And before you would ever want to offer</p> <p>13 any opinions relating to any of those matters that you</p> <p>14 looked at, you'd want to do a more in depth</p> <p>15 investigation into --</p> <p>16 A. I need --</p> <p>17 Q. -- the vehicles and the accident and -- and</p> <p>18 other details, correct?</p> <p>19 A. I'd have to have some factual information</p> <p>20 that -- that was reliable that I could use, not -- not</p> <p>21 summary information that's of questionable origin.</p> <p>22 Q. Mr. Lock, I think that's all the questions I</p> <p>23 have for you this morning. I appreciate your time.</p> <p>24 MR. DOTIN: I'll reserve my questions</p> <p>25 until time of trial.</p>	<p style="text-align: center;">Page 85</p> <p>1 THE WITNESS: Thank you.</p> <p>2 MR. SONNIER: We're done.</p> <p>3 MR. DOTIN: Good deal.</p> <p>4 THE VIDEOGRAPHER: We're off the record at</p> <p>5 10:55. End of deposition. End of Tape 2.</p> <p>6 (Proceedings concluded at 10:55 a.m.)</p> <p>7 *</p> <p>8 *</p> <p>9 *</p> <p>10 *</p> <p>11 *</p> <p>12 *</p> <p>13 *</p> <p>14 *</p> <p>15 *</p> <p>16 *</p> <p>17 *</p> <p>18 *</p> <p>19 *</p> <p>20 *</p> <p>21 *</p> <p>22 *</p> <p>23 *</p> <p>24 *</p> <p>25 *</p>

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1	CHANGES AND SIGNATURE	
2	PAGE LINE	CHANGE
3	REASON	
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Page 87		
1	I, JAMES RAYMOND LOCK, have read the foregoing	
2	deposition and hereby affix my signature that same is	
3	true and correct, except as noted above.	
4		
5		
6	JAMES RAYMOND LOCK	
7		
8	8 THE STATE OF _____)	
9	9 COUNTY OF _____)	
10	10	
11	11 Before me, _____, on this day	
12	12 personally appeared JAMES RAYMOND LOCK, known to me or	
13	13 proved to me on the oath of _____ or through	
14	14 _____ (description of identity card	
15	15 or other document) to be the person whose name is	
16	16 subscribed to the foregoing instrument and acknowledged	
17	17 to me that he/she executed the same for the purpose and	
18	18 consideration therein expressed.	
19	19 Given under my hand and seal of office on this _____	
20	20 day of _____, _____.	
21	21	
22	22	
23	23 NOTARY PUBLIC IN AND FOR	
24	24 THE STATE OF _____	
25	25 My Commission Expires: _____	
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1	UNITED STATES DISTRICT COURT	
2	SOUTHERN DISTRICT OF TEXAS	
3	CORPUS CHRISTI DIVISION	
4	STEPHEN T. VETTERS,)
5	INDIVIDUALLY AND AS)
6	REPRESENTATIVE OF THE ESTATE)
7	OF SHARON G. VETTERS,)
8	DECEASED, AND FOR AND ON)
9	BEHALF ALL THOSE ENTITLED TO)
10	RECOVER FOR THE DEATH OF)
11	SHARON G. VETTERS UNDER THE)
12	TEXAS WRONGFUL DEATH AND)
13	SURVIVAL ACTS, ERIN VETTERS)
14	RUEL, STEVEN B. VETTERS, JOHN)
15	W. STOCKTON, AND HAZEL L.)
16	STOCKTON,)
17	PLAINTIFFS,)
18	vs.)
19	DAIMLER CHRYSLER)
20	CORPORATION,)
21	DEFENDANT.)
22	CIVIL ACTION	
23	NO.2:05-CV-00003	
24	JURY	
25	REPORTER'S CERTIFICATE	
26	ORAL VIDEOTAPED DEPOSITION OF JAMES RAYMOND LOCK	
27	October 14, 2005	
28	I, Laurin Rainer, Certified Shorthand Reporter in	
29	and for the State of Texas, hereby certify to the	
30	following:	
31	That the witness, JAMES RAYMOND LOCK, was duly sworn	
32	and that the transcript of the deposition is a true	
33	record of the testimony given by the witness;	
34	That the deposition transcript was duly submitted on	
35	October 17, 2005 to the witness for examination,	
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1	1 signature, and return to me by November 3, 2005.	
2	2 That pursuant to information given to the deposition	
3	3 officer at the time said testimony was taken, the	
4	4 following includes all parties of record and the amount	
5	5 of time used by each party at the time of the	
6	6 deposition:	
7	7 Mr. G. Robert Sonnier (1h48m) Attorney for Defendant	
8	8 Mr. Matt Dotin (0h0m) Attorney for Plaintiffs	
9	9	
10	10 That a copy of this certificate was served on all	
11	11 parties shown herein on _____ and filed	
12	12 with the Clerk.	
13	13 I further certify that I am neither counsel for,	
14	14 related to, nor employed by any of the parties in the	
15	15 action in which this proceeding was taken, and further	
16	16 that I am not financially or otherwise interested in the	
17	17 outcome of this action.	
18	18 Certified to by me on this 16th day of	
19	19 October, 2005.	
20	20	
21	21 Laurin Rainer, CSR, RPR TX CSR 8307 Expiration Date: 12/31/2007	
22	22 A AA Werlinger & Associates 1716 Briarcrest Drive Suite 601	
23	23 Bryan, Texas 77802 Phone: (979)774-4000 Fax: (979)846-1600	
24	24 Firm No. 328	
25	25	

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James R. Lock

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1 FURTHER CERTIFICATION UNDER TRCP RULE 203

2
3 The original deposition was/was not returned to the
4 deposition officer on _____.

5 If returned, the attached Changes and Signature
6 page(s) contain(s) any changes and the reasons therefor.

7 If returned, the original deposition was delivered
8 to Mr. G. Robert Sonnier, Custodial Attorney.

9 \$_____ is the deposition officer's charges to the
10 Defendant for preparing the original deposition and any
11 copies of exhibits;

12 The deposition was delivered in accordance with Rule
13 203.3, and a copy of this certificate, served on all
14 parties shown herein, was filed with the Clerk.

15 Certified to by me on this _____ day of

16 _____.

17

18

19

20 Laurin Rainer, CSR, RPR

21 TX CSR 8307

22 Expiration Date: 12/31/2007

23 A AA Werlinger & Associates

24 1716 Briarcrest Drive

25 Suite 601

Bryan, Texas 77802

Phone: (979)774-4000

Fax: (979)846-1600

Firm No. 328